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ABSTRACT

Implementation of civil rights guidelines in vocational education encountered problems because it broke down the half-century-old harmony of interests between government and the vocational education community. Since 1917, federal support for vocational education had led to a highly centralized, virtually self-monitoring system of schooling. In the Vocational Education Acts of 1963, 1968, and 1976, Congress introduced social redistribution objectives into vocational education, along with a plethora of compliance controls. Implementation of these policies, by the Department of Education's Bureau of Occupational and Adult Education and Office for Civil Rights, has been unsuccessful because of manpower planning problems, confusing guidelines, and unwillingness to cut off funds to force compliance. Implementation through court decisions has been more effective but is restricted to particular cities and remains incomplete even there. To achieve compliance in vocational education, the federal government should vary its enforcement according to the economic situation. It should use "adaptive" strategies with loose guidelines where youth unemployment is low, but apply "programmed" strategies using larger punishments and rewards to force compliance where youth unemployment is high. (RW)

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CENTRALIZATION AND LEGALIZATION IN VOCATIONAL EDUCATION: LIMITS AND POSSIBILITIES

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Abstract

This paper traces the growth over 60 years of administrative controls in the oldest federal categorical program affecting K-12 programs, vocational education, and shows how the combination of administrative regulation in vocational education and the passing of civil rights acts has brought occupational training under the purview of the courts. The paper reaches some unexpected conclusions, namely, that centralized power in vocational education exists when there is a harmony of interests between the Congress and vocational administrators, regardless of the details of the legislation. The plethora of administrative controls that is now attached to vocational education is a mark of weakness in the centralizing agency, namely, the U.S. Congress, not of its power to control. The courts appear to be stronger, but their role is partial and intermittent.

A judgment is made as to how the Congress might act to heighten compliance with its interests (mainly the interests of civil rights groups, as translated into federal legislation). If the economic situation is favorable, that is, if rates of youth unemployment are falling sharply, then an adaptive strategy, as the term is defined by Paul Berman, is proposed. If the economic conditions do not improve, then it would seem necessary to follow a programmed strategy, i.e., one under which both the carrot and the stick are made bigger to force access for poor and minority people into high quality occupational programs.

This is a paper about vocational education, which can be described as a national system of occupational training conducted mainly in public high schools, community colleges, and regional occupational centers. The training imparted is for jobs that require less than the baccalaureate degree. The main branches are agriculture, industry (manufacturing, etc.), distributive trades (retailing, etc.), health occupations, office skills, and consumer and homemaking skills. About 4.5 million students are enrolled in such programs and about five billion dollars is spent annually on their training. My main concern in this paper is the difficulty that has arisen recently in gaining compliance with Congressional intent toward the field of occupational training.

Federal support for vocational education began in 1917.[1] For nearly 50 years there was a remarkable harmony of interests among federal, state, and local administrators. Vocational education, indeed, came to be known as a highly centralized, inflexible system of schooling. The existence of controls extending from the federal government to the states, and from the states to the localities, was justified to protect the place of practical training in American schools from encroachments of an historically-powerful academic elite. Leadership positions in vocational education were interchangeable, and leaders shared a common point of view. Leaders were white male and each one had a skilled trade. One began by teaching that trade in a high school, and if one was ambitious, he/she became first a local director of vocational education, then a state director, and beyond that, a federal administrator. After federal service, one might teach in a college of education at a state university, extolling the virtues of vocations, or "callings" and the social and moral significance of "hands-on" training.[2]

This community was suffused with the protestant work ethic, it was fiercely patriotic toward main-line national institutions and traditions, and it was darkly suspicious of the preenings of liberal arts types and those in the scholarly professions generally.

All that Congress really demanded of this community were these things: (a) to add some state or local money to the federal contribution for vocational education; (b) to see to it that vocational programs were clearly separated from academic ones and that vocational students spent most of their time in such occupational training; and (c) to hire teachers who had work skills. The vocational education community could hardly have considered these requirements to be onerous. The academic community itself was not a source of trouble, because vocational education, even though it grew at a rapid rate, never became so large that it represented serious competition for the state or local school dollar. In this harmonious setting there was no special concern about monitoring programs for compliance with Congressional intent: all of the main actors were in agreement about what should be done and faced no insurmountable difficulties in achieving the desired results. The activity was virtually self-monitoring.

In 1963 Congress passed a new kind of vocational education act and henceforward expressed a different set of intentions toward the activity, namely, to use the system of vocational education to change the distribution of good jobs in favor of disadvantaged persons, women, minorities, handicapped persons, etc., and in disfavor of able-bodied white males. To say that the Vocational Education Act of 1963 produced a schism between Congress and the vocational education community is not to describe that community as racist or ill-spirited toward the poor: the difficulties of complying with the

social objectives of the Act can just as easily be explained by vocational educators' viewing the Act as a threat to the quality of his/her programs.[3] (Just why this response is not necessarily racist will be explained below.) In any case, the 1963 Act and its subsequent amendments has produced a mass of centralizing legislation and regulation. At the same time, the capacity, if not the willingness, of the educational administration in Washington to enforce the law--and the associated titles of civil rights legislation--appears to have fallen into disarray.

Federal vocational education legislation occupies a special place in the study of implementation problems. The reason can best be explained by comparing vocational education with the Title I programs of ESEA. When the Elementary and Secondary Educational Act was passed in 1965, the Commissioner, Francis Keppel, saw Title I as his personal contribution to the educational history of the country and to its social progress. He appointed staff to administer it who were passionately devoted to making compensatory education work. State directors of Title I were likewise chosen with some regard for their interest in the success of the program. Conflicts regarding implementation arose not so much between Congress and the Office of Education nor between federal and state Title I administrators as it did between all of the above and officials of local authorities. In vocational education, social objectives were imposed by Congress on a long-standing community of interlocking federal-state-local membership that had nearly a half century to set and make fixed its goals and procedures and to perfect a loyalty to those goals and procedures. There is no strong ideological support in the federal vocational leadership, or in the states either for that matter, for the present intentions of Congress. The force that pushes for implementation

of the details of federal vocational legislation is the civil rights community and its allies in the Congress, the courts, and other federal departments. Questions of how to implement a federal policy may be assumed to exist at all levels of government, but ordinarily one does not imagine a question of whether to implement a major Congressional act could exist in the administering agency. In vocational education, it almost seems as if the "whether" question is being posed at the top of the administrative ladder, in Washington. However, as we shall see, there are enough inconsistencies in the present act also to make one wonder if Congress itself has decided what it wants done in the field of occupational training. It is patently difficult to talk about "federal intent" in vocational education (a) because of ambiguities in the federal legislation and (b) because of an apparent schism between Congress and the federal education administration. Ignoring point (a) and looking to the presumed source of power, we shall refer throughout to intent as "Congressional intent."

This paper is in four parts. The first is a rather long history of the development of vocational education legislation and its accompanying regulations, viewed here as a search of mechanisms of centralization. The second part is a discussion of problems of enforcement, or, if one prefers the softer word, implementation. The problems are described for both wings of the administrative enforcement agency, the Bureau of Occupational and Adult Education and the Office for Civil Rights. The third section offers some observations on how the distribution of places in vocational programs has been affected in certain cities by judicially-mandated desegregation plans. Lastly, I make some comments about alternative implementation strategies, following the taxonomy of strategies developed by Paul Berman.[4]

I. The Changing Face of Federal Control From Unity of Purpose to Administrative Disarray

The argument of this section is the following. Federal intervention in vocational education served initially to strengthen an ideological movement, closely united and devoted to service of mankind through creation of work skills. The legislation for the first 46 years of federal involvement was simply drawn but nevertheless effective in bringing forth state and local resources to finance expansion of occupational training in the schools. The primary instrument of control was in specifying how secondary students should allocate their time in school--so much time for academic work and so much time for vocational. Given the solidarity of the vocational education community, the federal government could confidently rely upon state and local administrators to see that everybody played by the same rules.

Starting in 1963, Congress began to incorporate redistributional objectives in the legislation for vocational education, objectives that emphasized the needs of poor and minority people for good jobs. From the evidence, Congress did not assume that this new type of legislation would be self-enforcing. On the contrary, it added layer upon layer of controls in successive acts, those of 1968 and 1976. Vocational education remains our most thoroughly centralized form of schooling and the one most subject to evaluation by results--in this case, program completions and job placements. Or are these conditions a piece of legislative fiction? Can federal mandate replace unity of purpose in achieving compliance? These are questions for later sections of the paper.

A. The Beginnings: Smith-Hughes of 1917

Vocational education was the first form of schooling to be placed under categorical aid by the federal government. The Vocational Education Act (Smith-Hughes), passed on February 23, 1917, authorized appropriations of $6 million for salaries of teachers of agriculture, industrial subjects, distributive trades, and home economics, and an additional $1 million was authorized for teacher training.[5] The money for teachers of agriculture subjects was allocated to the individual states on the basis of a state's share of rural population; the money for teaching of other subjects was paid out on the basis of urban population. Teacher training funds were distributed in relation to total population of the states.

War-induced labor shortages contributed to the passage of Smith-Hughes. Up until World War I, and even thereafter, though sporadically, America relied upon European training programs to supply its farms and factories with workers of higher skills. But it is plausible to suggest another overriding reason for passage of the legislation, namely, the coming to power of a populist, fundamentalist lobby for "practical training".

Worker education in one form or another is an ancient process, but its incorporation into the secondary school curriculum was an American innovation of the early twentieth century. Whereas the Morrill Act of 1862 was intended "to promote the liberal and practical education of the industrial classes in the several pursuits and professions of living," it seemed apparent by the turn of the century that land grant colleges and universities were not serving the needs of farm youth and those persons who sought manual work in factories and office jobs.[6] This anyway was the position of the National Society for the Promotion of Industrial Education, formed in New

York City in 1906.[7] Saying that colleges and universities were not doing the job did not necessarily indicate that the task should be handed over to local school districts. This latter was a point of consensus developed among the above-mentioned National Society, the National Education Association, the American Federation of Labor and the National Association of Manufacturers.[8] In 1910, some 165,000 students were enrolled in occupational training courses offered by public school districts. By the time of the beginning of World War I, nine states had established study commissions on vocational education and five--Massachusetts, New York, Connecticut, New Jersey, and Wisconsin--had established state systems of vocational education, each of these serving as a kind of model for the federal legislation of 1917.[9] The movement to expand occupational training in the schools was broad-based and it was grounded only in a very general way on the existence of specific skill shortages.

If labor shortages had indeed been the sole issue leading to the passage of Smith-Hughes, it would be hard to explain the nature of the controls written into the Act from the very beginning, controls to assure that federal and state money for vocational education could not be siphoned off into secondary programs intended to prepare students for college. These academic programs were viewed by the vocational lobby as elite if not godless. To receive Smith-Hughes funds, a state was first required to create a <u>state board</u> for vocational education, "...having all necessary power to cooperate...with the Federal Board for Vocational Education" (Section 5). Secondly, the state board itself was required to prepare a <u>plan</u>

> showing the kinds of vocational education for which it is proposed that the appropriation shall be used; the kinds of schools and equipment; courses of study; methods of instruction; qualifications of teachers; ...plans for the training of teachers...such plans shall be submitted by the State Board to the Federal Board

> for Vocational Education, and if the Federal Board finds the same to be in conformity with the provisions and purposes of this Act, the same shall be approved. The State Board shall make an annual report to the Federal Board for Vocational Education...on the work done in the State and the receipts and expenditures of money under the provision of this Act (Section 8).

Section 12 of the Smith-Hughes spelled out the federal government's intent that vocational education teachers should be "...persons who have had adequate vocational experience or contact in the line of work..." in which they were to hold class. Nevertheless, the key restrictive section of the Act applied not to teachers but to students: how students were to spend their time. Section 11 reads (in part):

> In order to receive the benefits for the appropriation for the salaries of teachers...the state board of any state shall provide in its plan...that such education shall be given in schools and classes under public supervision or control; that the controlling purpose of such education shall be to fit for useful employment, that such education shall be of less than college grade and shall be designed to meet the needs of persons over fourteen years of age who are preparing for a trade of industrial pursuit... that the total amount expended for the maintenance of such education in any school or class receiving the benefit of such appropriation shall not be less annually than the amount fixed by the State Board, with the approval of the Federal Board...<u>that such schools or classes giving instruction to persons who have not entered upon employment shall require that at least half of the time of such instruction be given to practical work on a useful or productive basis, such instruction to extend over not less than nine months per year and not less than thirty hours per week</u>....(Emphasis added.)

Thus, the law required the following: if a high school student be taught one class by a teacher paid in full or in part from federal vocational funds, that same student could receive no more than 50 percent academic instruction. The Federal Vocational Board was quickly able to extend the control of students' time to what came to be known as the 50-25-25 rule: 50 percent course time in shopwork, 25 percent in closely related subjects, and 25 percent in academic.[10] This rule, practically speaking, was a universal feature of state plans from the 1920's to the early 1960's.

I have suggested that the force toward centralization in vocational education arose from efforts of a group of high school reformers to shift the emphasis, formerly almost the exclusive emphasis, of schools from academic preparation toward college, i.e., liberal arts instruction, to practical, "hands-on" training for work. There is an alternative explanatory force which I have already mentioned, namely, labor shortage. Manpower development and extremely decentralized decision making, as exemplified in our local district structure of education, do not fit easily together. They did not in 1917 and they do not today. Local labor markets, even large ones, are not self-contained. They are affected by internal migration of workers, by foreign competition in the production of goods, and by technological change occurring anywhere in the world. Hence, projections of demand for specific skills in a given geographic area is far from a rudimentary task and far beyond the capacity of most local school districts to undertake. On the other hand, assume for the moment that school districts did have perfect information about job demand. There is still an enormous problem of supply-side coordination. Local labor markets may be served by hundreds of local school districts. If word goes out that such and such skill is in strong demand, too many districts may respond, flooding the entry-level market with thousands of disappointed applicants. If, correspondingly, information is obtained that some other type of skill is in over supply, too many districts may be reluctant to cut back training in that field because to do so would require them to fire tenured faculty or reassign them (both actions difficult), to take losses for investments in training equipment, etc. To fit the public school system into a program of manpower development requires either one of two approaches. The first would be to place the training

activities of schools under private management--to issue training vouchers, say--and let the market rule. The second--exactly the opposite, as it were--would be to centralize public operation toward a main objective of manpower development. That is, federal and state authorities would prepare the most careful estimates of net demand for specific skills and would then assign quotas to particular school districts for preparation of entry level skills in various lines of work. Ideally, the quotas would reflect comparative advantage of different school districts in inculcating work skills.

The Smith-Hughes Act of 1917 was almost silent on manpower projections and centralized assignment of training quotas to districts. If the driving force in the legislation was labor shortage, one would expect to read more about processes to identify the nature of specific shortages and time-controlled means to meet them. Surely the 50-25-25 pro-ration of students' time fits the development of some skills better than others; the inflexibility of the provision could be seen as a handicap, not as an advantage, in skill development.

Silent, or nearly so, on such points, the Act nevertheless was a heavy-handed attempt to identify certain students as "vocational," to identify certain teachers as the same, and to protect the salaries of the latter through reserving for them (exclusively) certain amounts of federal money matched by state and local contributions. Thus, I say the main categorical legislation in education was a populist-fundamental program for secondary school reform. This point is important, I believe, to explain the paradox later on of having an ever-increasing complexity of legislation and regulation in the face of diminishment in the effective power of government to control the activity.

The essential nature of vocational education legislation remained constant from 1917 until 1963, though authorizations for federal allocations were raised under both the George-Barden Act of 1946 and the National Defense Education Act of 1958. Measured in terms of dollars and enrollment, this early form of categorical legislation was successful. In 1917, just before the implementation of Smith-Hughes, there were 200,000 vocational students in the United States and something less than $3 million was spent on their training. Forty years later, enrollment had increased to 3.4 million and expenditures stood at $176 million. Smith-Hughes required dollar-for-dollar matching of federal money by state or local government. As the decade of the fifties closed--the closing decade for the Smith-Hughes version of categorical intervention, federal funds were over-matched by both state and local funds, taken separately.[11]

Smith-Hughes was not free of criticism and much of it centered on what was seen as (a) excessive centralization and (b) rigidity in planning. (With regard to the latter, it should be noted that the state plans required under Smith-Hughes stood in perpetuity and could not be changed unless the changes were approved by the Federal Board for Vocational Education.) It was not until passage of the Educational Amendments of 1968 that the planning period became more realistic in length (as noted below). In 1950, the Hoover Commission Task Force on Education stated:

> No effort will be made...to analyze the details of the Smith-Hughes Act in regard to such matters as the rigid allocations of funds in the various areas of vocational education, the length of courses, the required directed or supervised practice, the proportion of the pupil's time to be devoted to vocational subjects, or the number of hours per week that school is maintained. Suffice it to say that the National Resources Committee in reporting on federal grants-in-aid in 1936 concluded that two federal grants with greatest degree of federal control were those

> for the National Guard and for the program of vocational education as initiated by the Smith-Hughes Act.[12]

The Task Force went on to recommend an attempt to build ability and initiative in the states to run programs of vocational education independently of detailed federal regulation. Likewise, in 1955, the National Manpower Council chided vocational education for giving their students too little in the way of academic background and suggested that "...able and interested vocational students [be] provided with the opportunity to qualify for college entrance."[13] Also in 1955, the U.S. Commission on Intergovernmental Relations called for a "tapering off" of federal grants and regarding vocational education it said, "Many of the detailed specifications and minute controls of the existing grant-in-aid program should be eliminated."[14]

Speaking for the other side, an advocate of Smith-Hughes stated:

> Let it never be forgotten that educational programs are predominantly...controlled by men and women whose only education, whose only training, whose only occupation have been in the academic field....If there are no safeguards, no mandates, no bulwarks, the weight of the centuries, the curse of traditionalism, the fortuities of the academicians can easily set back our [vocational education program fifty years.[15]

B. Enter Social Objectives: The Vocational Education Act of 1963

In 1963, Congress passed a new vocational education act. It incorporated the essential features of the Smith-Hughes legislation and added important new features.

The Act listed six uses of federal vocational funds, toward "any or all" of which a state's allotment might be directed. One such use is the following: "Vocational education for persons who have academic, socioeconomic, or other handicaps that prevent them from succeeding in the regular vocational education program." Expenditure for this purpose was not made mandatory on the states, nor was the verb "succeeding" further defined,

as to whether it meant to complete a program or to complete a program and to get a job in a related line of work.[16]

The designation of portions of federal money for specific purposes--called "set-asides"--was introduced. It was provided that out of its allotment each state had to spend at least 25 percent (a) on training for persons who had completed or left high school, or (b) construction of area vocational school facilities, or both. (Actually, the provision about construction of area vocational schools, which was accepted eagerly by many states, established a conflict toward other newly-proposed use of federal money, such as taking care of disadvantaged or handicapped youth because it served to direct the states' attention to improvement of suburban programs, rather than those of the central city, in which the majority of disadvantaged youth reside.) A second set-aside, five percent of Congressional appropriations, was for experimental programs designed "...to meet the special vocational education needs of youths, particularly youths in economically depressed communities, who have academic, socioeconomic, or other handicaps that prevents them from succeeding in the regular vocational education programs" (Section 4[c]).

It was stipulated that the state plan must provide

> ...for consultation with, and utilization of the public employment services, including use of counseling and guidance services and use of occupational information supplied by such services in determining whether there is a reasonable expectation of employment in the occupations for which persons are to be trained (Section 5[a][4]).

The 1963 Vocational Education Act stated its concern for the poor and handicapped in a perfunctory, highly permissive, indeed self-contradictory way, but a major shift in policy had occurred. The 1968 and 1976 Educational Amendments would build powerfully on these tentative statements of social

objectives in the 1963 Act. At the same time all educational policy became subject to the Civil Rights Act of 1964 (race), 1972 (sex), and 1973 (handicapping condition). Even more recently vocational education has been modified in some of our major cities by court-imposed desegregation orders.

During this period of years, the leadership of the vocational community, still populist and fundamentalist, was called upon, if not to abandon one familiar ground of confrontation (the struggle to make the high school a place of practical training rather than an exclusive sanctuary for the academically elite), at least to add a new one (the struggle to assure a good job for members of groups subject to school-based or employer-based discrimination, or both). It is plausible to suggest that vocational educators did not (do not) see the first battle as won; they regard themselves yet on the defensive against the academic plutocracy. It is further plausible to maintain that vocational educators believe "social legislation," which is how they describe the vocational acts from 1963 onward, undercut their main objective of high school reform. The more that vocational education is seen as a special refuge of downtrodden minorities, the less likely it is to compete effectively, as it has done in the past, for state and local money. State and local money in education is still the only game in town, and federal money, bearing the full burden of social uplift, taints those who have to use it. Instead of being generally criticized for overzealous behavior in interpreting federal vocational legislation, the vocational education community began to be chided by civil rights groups for obstructing federal intent.

C. Legislature Control in Full Stride: The 1968 Amendments

The 1963 Vocational Education Act was short--five pages. The 1968 Vocational Education Amendments made it long--31 pages--and full of the

language of centralized control by Act of Congress. While I defer until later discussion of enforcement procedures, their effectiveness, and the role of the courts in vocational education, it is appropriate here to suggest a taxonomy of centralizing devices as they appear in the 1968 Vocational Education Amendments. As one might expect, these means are extensions of centralizing devices that existed in earlier legislation, but they had reached a rather extreme form by 1968.

1. Money (1968)

The 1968 legislation sought to obtain categorical control of vocational education funds in three processes.

a. Distribution of federal funds to LEAs and other eligible recipients. The 1968 Amendments required a distribution of federal funds to local agencies that reflects economic efficiency in the delivery of vocational education services, the special needs for training of populations affected by academic, socioeconomic, mental or physical handicaps, the relative financial ability of the local educational agency, as measured not only by local taxable resources but also by conditions of local economic depression, high rates of unemployment, and differential costs of providing given services. The 1968 Amendments forbid reimbursement of local agencies at a uniform percentage rate.[17]

In the 1968 Amendments these requirements for funds distribution were expressed in general terms and no indication was given of relative priority of the various distribution criteria. Nothing was said, that is, about how much emphasis was to be placed on cost differences among local agencies as compared to differences in local financial ability. Of even greater significance is the fact that nothing was said about requirements

for distribution of state funds toward vocational education in the districts. Except with regard to some rather weak provisions about matching, non-supplanting, and maintenance of effort, states could comply with the new federal funds distributions requirements and, at the same time, completely undercut the result by shifting state money out of LEAs that got an increase in federal funds and into those that lost federal funds.

b. Designation of categories of students as intended beneficiaries. The 1968 Amendments expanded the use of set-asides for designated groups of students. Of the main allotments of federal vocational money to the states, at least 15 percent was reserved for high school dropouts and for persons who had completed high school and "are available for study in preparation for entering the labor market"; and at least 10 percent was to be used to help handicapped persons gain work skills.

Use of federal funds for these special purposes, along with their use in support of regular vocational programs, was subject to dollar-for-dollar matching by state or local government. For many years, as noted above, federal vocational dollars in total have been grossly overmatched. Since the largest portion of the money is in the regular programs, the matching requirement is ineffective in stimulating state or local spending in such activities. On the other hand, for new programs, such as vocational training for the handicapped, requirements to match can lead to an increase in state or local expenditure for the given group of students. This is not necessarily to say that state or local budgets need be expanded. Money could be diverted to vocational education from academic or general programs or money could be diverted within the vocational accounts from the over-matched regular programs to the new, initially under-matched programs for special needs populations.

An additional $60 million was authorized for the socially and academically disadvantaged student. This money, separately administered in the states, required no state or local matching.

c. Designation of categories of programs as receiving special assistance. In addition to the controls over the uses of money so far mentioned, the 1968 Vocational Education Amendments authorized annual appropriations for eight designated programs or activities.[18] Funds appropriated under the various sections of the Act dealing with these eight programs were to be spent only in those programs, under legislative direction and under standard federal regulations.

2. The Planning Processes (1968)

The 1968 Vocational Education Amendments made a number of important changes in planning processes. The essential drift is toward centralization of control of school and college programs at all levels of government, federal, state, and local, but the contradictory direction taken, embodied simultaneously in the legislation, was to open the direction of training activities to influence from special interest groups. Let us consider these matters under various hearings.

a. Length of planning period. As noted above, state plans traditionally had stood in perpetuity. This reinforced a natural tendency in administrators of training programs to keep doing the same things over again year after year, regardless of changes in market demands for specific skills, The 1968 Amendments specified that the state plan would run from a period of three to five years. Further, the states were required, as a condition of receiving federal funds, to submit an annual program plan to show progress made, or its lack, in meeting the objectives of the "long range program."

b. Use of manpower projections. From 1968, states were required to regulate offerings of programs by manpower needs criteria. The state plan had to include provisions for "...periodic evaluations of state and local vocational education programs, services, and activities in the light of information regarding current and projected manpower needs...on the local, state, and national levels" (Section 123[a][6][A]). The state is also to assume that local applications for federal funds "...include a plan, related to the appropriate comprehensive area manpower plan...for meeting...needs in the area..." (Section 123[a][6][F][iii]).

c. Cooperation and coordination in design of program offerings. Under the 1968 Amendments, the National Advisory Council on Vocational Education (noted below) is charged to "...review the possible duplication of vocational education programs..." and report thereon (Section 104[a][5]). The state plan had to give assurance that

> ...in the development of vocational education programs, services, and activities...there may be...cooperative arrangements with other agencies, organizations, and institutions concerned with manpower needs and job opportunities, such as institutions of higher education, and model city, business, labor, and community action organizations (Section 123[a][9]).

d. Evaluations of programs. Under the state plan, the state administrators were required to collect and submit such information on vocational education as the U.S. Commissioner of Education might reasonably require. State Advisory Boards (noted below) were charged to "...evaluate vocational education programs, services, and activities...and publish and distribute the results thereof..." and "...prepare and submit...an annual evaluation report..." (Section 104[b][C] and [D]). Through 1968, these requirements were slated in vague, general terms, but, even so, exceeded requirements for evaluation placed on administrators of general or academic programs.

e. Public involvement. The 1968 Amendments established a National Advisory Council on Vocational Education of 21 members. The Council has general oversight of vocational programs in the nation. The 1968 Amendments also required the states to establish State Advisory Councils. The state councils have general responsibilities for evaluation of vocational education but perhaps more important, the state council must be consulted in the preparation of long-range and annual program plans.

It is not obvious what the existence of these advisory councils means. One interpretation is centralization of power to consolidate resources into traditional patterns: that is, one may reasonably assume that members of these national and state boards are persons of some political power. They might use that power to back up the U.S. Commissioner and the state director to maintain the Smith-Hughes-type programs, i.e., to squeeze down the academic content, serve employers that have historically been served, maintain patterns of sex stereotyping, etc.--all this, say, in opposition to local efforts to be innovative, to work with community-based organizations, to serve new clients, to allow each school to be different and follow its comparative advantage in training. Or the advisory councils might support just this latter type of decentralization. The mandated categories of membership at both the national and state level, "representatives of labor and management" on the one hand and persons "familiar with the special problems and needs of individuals disadvantaged by their socio-economic backgrounds" would allow them to go either way. There is little evidence on this point. My surmise is that the councils have served mainly to maintain traditional patterns of training. Since special interest groups--minorities, handicapped, bilingual, etc.--now want a part of the action in vocational

education, an effort by the councils to preserve status quo ante could be regarded as a centralizing function. The way things are in our country, effectiveness in serving special interest clients demands local participation, innovation, and diversity--in short, decentralization.

D. Requirements for Planning and for Sex Equity: The 1976 Amendments

Let us now turn to the last piece of legislation with which we are concerned, namely, the Education Amendments of 1976. These amendments established the federal vocational act in its present form, and it is this act, the Vocational Education Act of 1963 as amended in 1976, that is presently (1980-81) under review in Congress. The Act now contains 46 pages.[19]

More, much more, of the same is one way to describe the relation of the 1976 Amendments to the 1968 set. But this is not entirely accurate. The 1976 Amendments placed an extremely strong hortatory emphasis on a completely new topic: sex equity. In the "Declaration of Purpose" (Section 101), it stated the Congress authorized grants to the states to assist them inter alia,

> ...to develop and carry out such programs of vocational education within each state as to overcome sex discrimination and sex stereotyping in vocational education programs (including programs of homemaking), and thereby furnish equal educational opportunities in vocational education to persons of both sexes...(Section 101 [3]).

Each state is required to employ a coordinator for sex equity and each state is required to report annually on progress in ending sex bias in training and work.

Secondly, a new feature of the 1976 Amendments (here we contrast something "new" with the process of simply increasing control of money flows or accountability requirements, all in extension of procedures adumbrated in

the 1968 Amendments) was emphasis on use of federal funds for program innovation. Plainly, the Congress saw federal money as seed money, and this brings up a curious ambivalence in the 1976 Act. The Act lays heavier responsibilities on the state for administration of vocational education and state governments are made accountable not only for educational processes but for results as well--how many students, classified by race and sex, completed specific programs, how many program completers got jobs in a related line of work, and how well employers assessed the quality of training. When these kinds of responsibilities are laid on a large administrative organization, a typical bureaucratic response is to seek control of the point of delivery of service and to demand that--in this case--the local vocational director, or the building manager, or the vocational teacher, obtain approval, either from regional authority or from state administration, before making any changes in program. This standard kind of centralized control almost certainly dampens local initiative and the drive to establish new, innovative programs. Neither the state itself or the regional administration is likely to be successful in forcing new programs into the local curriculum, but, on the other hand, the teacher in a school who has a good idea and has made the necessary local arrangements to carry it forward may have forgot about it or lost his enthusiasm for it by the time he wins approval to begin instruction. In sum, tight control through several levels of government, which is what the 1976 Amendments seek to establish, is not fully consistent with seeing federal money spent as seed money.

Be that as it may, what else should one say about the 1976 Amendments? The law has been so exceedingly complex that we can touch on main points only. Let us use the same headings as we did for the 1968 legislation.

1. Money (1976)

a. Distribution of federal funds to LEAs and other eligible recipients. The criteria states were required to use in distributing money to LEAs and other eligible recipients was made more explicit, even though questions of interpretation of the criteria abound. The state is to give "priority" to applicants located in economically depressed areas and areas with high rates of unemployment and that are unable to pay for the needed programs without federal assistance. Secondly, the state is to give priority to applicants who propose new programs. How much priority is to go to the one group of applicants (assuming they are not the same) as compared to the other is not stated.

Having given priority to such applicants, the state is then to distribute federal funds to LEAs on the (inverse) basis of their local fiscal capacity and (directly) with regard to the "relative number of concentration of low-income families or individuals." In the case of other eligible recipients the criteria are relative finance ability and the relative number or concentration of high cost students. As in 1968, nothing is required of the states with regard to the distribution of state money for vocational education.

b. Designation of categories of students or intended beneficiaries. With regard to distribution of funds to particular categories of students, the 1976 Amendments expand the use of set-asides. The main amount of federal money is in Section 120 of the Act. Of this bulk amount, 10 percent is reserved on a matching basis for handicapped students, 20 percent is reserved for disadvantaged (except that there is a set-aside within the set-aside for bilingual students), and 15 percent is reserved for post-secondary programs.

All of these set-asides are minimum allocations. The Act then states that these special categories of students are to be instructed in regular vocational programs "to the maximum extent possible."

c. Designation of categories of programs as receiving special assistance. Whereas the 1976 Amendments increased federal control of funds allocation to the eligible recipients and to given categories of students, it loosened the reins on control of allocations to programs. States are given a long list of items on which they may spend money, such as "day care services for children of students in secondary and post secondary vocational education programs" (few dollars go for this!), and the U.S. Department of Education is empowered to make grants to states specifically for research and exemplary programs (set at 20 percent of the Section 120 allocation), for programs in areas of high concentrations of youth employment, and for consumer and homemaking education. Otherwise, there is little federal control of programs allocations, except that which is embedded in the state planning processes, the topic to which we now turn.

2. The Planning Processes (1976)

As between 1968 and 1976, most of the major legislative changes occurred in the planning processes.

a. Length of planning period. This is now made uniform: each state is to have a five-year plan and each state is to submit a combined annual plan and statement of progress (or "accountability report").

b. Use of manpower projections. What is called for is comprehensive manpower planning on the part of state governments. If the legislative language were to be taken seriously, then the states would be as thoroughly involved in manpower planning as the government of the Soviet Union. The Act specifies that the states will

> ...assess the current and future needs for job skills within the State and, where appropriate, within the pertinent region of the country, through consideration of the latest data of present and projected employment...set out explicitly the goals the State will seek to achieve by the end of the five-year period of the State plan in meeting the need for particular job skills...including a description of these goals in terms of...the courses and other training opportunities to be offered to achieve those skills, ...the projected enrollments of those courses and other training opportunities among the various levels of education and among the various institutions of the State, ...the allocations of all local, State, and Federal financial resources available in the State among these courses and training opportunities, enrollments, allocations of responsibilities, and allocations of resources (Section 107[b]).

A commissar could hardly impose a more awesome set of responsibilities on a regional planning authority in the U.S.S.R.!

To assist the states in carrying out these responsibilities, the Act provides for the establishment of a National Occupational Information Coordinating Committee; it further requires each state to establish an occupational information coordinating committee to work in conjunction with the national body.

c. Cooperation and coordination in design of program offerings. A great amount of coordination and cooperation is called for in the requirements on states to engage in manpower planning, as just indicated. In addition, and more specifically, each state is required to

> ...set out criteria...for coordinating manpower training programs conducted by prime sponsors established under the Comprehensive Employment and Training Act of 1973 with vocational education programs assisted under this Act and for coordinating such vocational education programs with such manpower training programs (Section 107[b][5]),

d. Evaluations of programs. Under the 1976 legislation, requirements for program evaluation are very strict. In general, states are now accountable for the uses to which they put state and local money in occupational training, as long as they accept federal vocational funds. (This raises an

interesting question regarding the state's responsibility toward students, especially toward students who are members of target populations, who reside in LEAs that refuse federal funds and offer no vocational programs.) More particularly, states are required to evaluate the effectiveness of each vocational program assisted under federal funds at least once every five years and use the findings to revise the state's programs. The criteria are results as stated in the following manner:

> ...each State shall evaluate, by using data collected, wherever possible, by statistically valid sampling techniques, each... program within the State which purports to impart entry level job skills according to the extent to which program completers and leavers...find employment in occupations related to their training and...are considered by their employers to be well-trained and prepared for employment, except that in no case can pursuit of additional education or training by program completers or leavers be considered negatively in these evaluations (Section 112[b][B]).

Furthermore, the Act provided for the establishment of a national vocational education data system (VEDS). The requirement on the Department of Education is to "...develop information elements and uniform definitions for a national vocational education data reporting and accounting system." The system is intended to provide detailed information on (a) enrollment of students in specific programs, with students being classified on the basis of their race and sex; (b) staff; (c) facilities; (d) expenditures; and (e) program completers and leavers (Section 161[a][1]). No other educational activity in the country is subject to such precise scrutiny as this.

e. Public involvement. In the 1976 Amendments, the general features of public involvement remain as they were in 1968. However, the number of interests to be represented on the state advisory council is raised to 20, and no person is allowed to represent more than one interest. Secondly, each local authority that receives federal vocational money must appoint a local advisory committee.

E. The Current Rules and Regulations

The 1976 legislation has been amplified by the issuance of rules and regulations. In October 1977 the U.S. Department of Health, Education, and Welfare published its Rules and Regulations for Vocational Education.[20] Because the 1976 Act is itself so full of detail, the Rules are mainly a restatement of legislative language. There were, nevertheless, two points of novelty.

1. Excess Costs

The Rules specify that the set-aside money for handicapped and disadvantaged students may be used only to meet "excess costs" of their attendance in vocational education. The objective of this administrative interpretation is laudable, but, as it works out, the resulting incentives are all wrong.

Let's consider the case of a disadvantaged student in secondary school, and let us assume--indeed, the likely situation--that there is no other federal money and no state money specifically designated for him (most Title I allocations are spent in elementary school). Let's say that the annual expenditure on the student's vocational program is $1,800, the average for all vocational students in the district. Until the Department's Rules appeared, LEAs understood that they could apply $900 of federal disadvantaged set-aside toward this student's education. This released $900 that the LEA could use for some other purpose, and hence the LEA had a strong incentive to enroll disadvantaged students in vocational education. However, the disadvantaged students would be receiving no extra services over and above those received by ordinary students.

The 1977 Rules changed the situation to allow use of set-aside money only for excess costs, i.e., expenditures in excess of $1,800 (by this example).

If the district gave the disadvantaged student a program costing $2,400, then it could apply $300 of the federal set-aside money toward those costs. The disadvantaged student now gets something extra, but he has suddenly changed from being an economic asset to the district to a liability. There is no longer an incentive to place disadvantaged students in vocational education, except for the fact that if the disadvantaged are segregated in special classes, the costs of their whole program is counted as excess costs. So now the district has a double incentive: to enroll disadvantaged students in vocational education and to place them in classrooms segregated from the rest of the student body. This is contrary to legislative intent, expressed in the Act itself, as noted above, to "mainstream" students with special needs.

2. Distribution Formulas

Though the Act lays down a number of criteria to be recognized in distributing federal funds for vocational education, it does not make explicit use of the notion of a formula. Some states were under the impression that they could pay out the federal funds on a competitive project application basis. The Rules require an explicit formula embodying the legislative criteria for distributing funds under all main sections of the Act. This does not necessarily represent an advance in equity, as we shall note below.

F. The Guidelines of the Office of Civil Rights

In March of 1979, under court order in Adams v. Califano, the Office for Civil Rights of (then) U.S. Department of Health, Education, and Welfare issued its Vocational Education Guidelines for Eliminating Discrimination and Denials of Services on the Basis of Race, Color, National Origin,

Sex and Handicap.[21] These are strong requirements dealing with distribution of funds and with access to training and jobs. Two examples of their provisions are quoted.

On funds distribution:

> Recipients may not use a formula or other method for the allocation of Federal, State, or local vocational education funds that has the effect of discriminating on the basis of race, color, national origin, sex, or handicap. However, a recipient may adopt a formula or other method of allocation that uses as a factor race, color, national origin, sex, or handicap if the factor is included to compensate for past discrimination or to comply with those provisions of the Vocational Education Amendments of 1976 designed to assist specified protected groups.[22]

Note that the OCR Guidelines make explicit reference to the distribution of state and local funds for vocational education. The 1976 legislation, on the other hand, does not.

On access to training (as one example):

> State and local recipients may not select or approve a site for a vocational education facility for the purpose or with the effect of excluding, segregating, or otherwise discriminating against students on the basis of race, color, or national origin. Recipients must locate vocational education facilities at sites that are readily accessible to both nonminority and minority communities, and that do not tend to identify the facility or program as intended for nonminority or minority students.[23]

These, then, are characteristics of a major federal categorical program in education. We have described how the complexity of the legislation has increased, as expressed both in the Acts themselves and in Regulations/Guidelines. The main target of control has shifted from Smith-Hughes days to the present. Earlier it was the educational administrator who wished to preserve the high school as a special place for academically inclined, college-bound students. Today it is the white male who seeks to claim an unfair share of preferred training places and preferred jobs, squeezing out women, minorities, the poor, the handicapped, and the foreign-speaking.

In protection of these groups, we have come a long way, at least in legislative intent. The 1976 Educational Amendments and the whole battery of civil rights laws, starting with the Civil Rights Act of 1964, place us far beyond the content of the five pages of the 1963 Vocational Education Act. The next major point to consider is "What does it all mean?" or "Does it Work?"

II. The Limits of Administrative Enforcement

The 1976 Educational Amendments, the three main civil rights acts, and the Lau judgment create a web of centralized power in the administration of vocational education. How is that power used? The ultimate sanction against recalcitrant state and local authorities is denial of federal funds. From the passage of the 1963 Vocational Education Act, embodying social objectives, that sanction has not been applied. It has become practically meaningless.

The Smith-Hughes legislation was virtually self-enforcing, once the 50-25-25 rule was promulgated. Vocational administrators encouraged children of working class families to sign up for a vocational program. So enrolled, the student spent almost all his time taking vocational courses. This created a demand for specially-certified vocational teachers, and federal and state money flowed in to pay their salaries. That result met the main part of Congressional intent. A price was paid for such smooth sailing. The vocational students were segregated from the academic within the comprehensive high school--and they were further segregated, of course, by race and sex. It became easy to make the assumption that vocational students were not bright enough to take courses in math, science, English, etc., unless the content was diluted and presented in a "practical context." Hence came

the notion that vocational education in general was a "dumping ground" for unsuccessful students.

By and large, this attitude changed during the 60's and 70's. It is reported that $5.0 billion was spent on vocational programs in 1977-78. Just how many students were enrolled is a matter of some dispute (still), but 4.5 million is a reasonable estimate. Admission to main vocational programs is based upon the applicant's tested proficiency in math, sciences, and English. Very many vocational programs are substantially over-subscribed. The programs extend into the higher (not the highest, of course) reaches of technological knowledge at the postsecondary level. Vocational education is no longer the ugly duckling of American education, the program into which we must push students who "don't fit" anywhere else. Access to better vocational programs is a prize to be won--or allocated.

A popular success, but an activity increasingly difficult to control from the federal level. From its enactments, Congress intends to maintain vocational education as an economically efficient, national system of occupational training that serves social objectives, but the legislation, now, unlike Smith-Hughes, is not self-enforcing.

Let us distinguish at this point between "educational" enforcement and civil rights enforcement. In both cases the ultimate sanction is the same--denial of federal funds--and the final person to act to withhold federal funds is the Secretary of Education. Otherwise there are differences. The Bureau of Occupational and Adult Education, operating under the Assistant Secretary for Vocational and Adult Education, is charged to administer the 1976 Educational Amendments. This responsibility has come to be interpreted to mean that BOAE is to see that state plans and accountability reports conform

to federal legislation. The two chief topics at issue are (a) manpower planning and (b) distribution within the state of federal funds to LEAs and other eligible recipients. A somewhat lesser point at issue is monitoring of excess cost matching of set-asides for the disadvantaged, handicapped persons, and bilingual persons.

Civil rights enforcement is handled by the Office for Civil Rights, and it is intended to see that vocational programs conform to Vocational Education Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap (1979), these Guidelines being based on the major civil rights acts of 1964 (race), 1972 (sex) and 1973 (handicap). Civil rights enforcement in vocational education is directed toward (a) the distribution of federal, state, and local funds, whether that distribution is fair for groups protected by civil rights legislation and (b) access of protected groups to specific occupational programs. The first main concern of OCR--funds distribution--overlaps with that of BOAE, but OCR is interested not just in federal funds (BOAE's concern) but total resource. The second concern of OCR--access--is not dealt with by BOAE; indeed, that agency does not even examine the data collected in the states about enrollments in programs, disaggregated to the LEAs and other deliveries of services.

A. Educational Enforcement

1. Comprehensive Manpower Planning

As indicated above, the 1976 legislation places very heavy requirements on the states to regulate enrollments in vocational programs in accordance with net demand for workers in different occupations. Insofar as vocational educators succeed in doing this, they would operate programs that are

"economically efficient." Vocational educators are thoroughly incapable of meeting this provision of the 1976 Act and so they will remain.[24]

Most employment in the United States exists in the private sector. Gross demand for occupations is affected strongly by technological changes, and the United States has still a technologically active economy. Skills are constantly being divided, or diluted, or upgraded; workers are replaced by machines and machines are replaced by workers. Not even the statisticians of the U.S. Department of Labor can forecast accurately the number of workers in specific occupations, much less can the statisticians of our State Education Departments. But this is only the beginning of the problem, because what we need for planning in vocational education is net demand, i.e., gross demand (new and replacement) minus the numbers of skilled persons being trained in other parts of the educational system and, most important, in the work place. It is now common to say that American industry is based on "internal labor markets," as employers train and promote workers within the work place.[25] This builds loyalty to the company. Thus, projections of numbers of workers who are to be found in various occupations five to ten years ahead do not inform us what the entry level positions for those various occupations are going to be. Not only is private industry uninterested to divulge this information, it is not even interested to examine itself. The main posture of our private firms toward shortage of specific skills is "adaptability," achieved through short-term intensive, flexible training and substitution of machines for human skills; it is not long-range planning in assuring a future supply of skills. Manpower planning, in sum, is a concept based on a degree of economic control that our public institutions, any of them, possess.

California has been regarded as one of the more progressive states meeting the manpower planning requirements of the 1976 legislation. Here are some findings from "An Assessment of the Development and Maintenance of the California Occupation Information System," prepared for the California Advisory Council on Vocational Education, April 1980, by independent contractors.

> So far COIS has not produced any occupational planning, administration, or guidance information except for a series of supply/demand reports that were not released....Little contact has been made with the private sector or the California Post-secondary Education Commission....The reliability of supply data provided by the State Department of Education and the Chancellor's Office is in question....The State CETA Office has no authority over local prime sponsors so supply data are difficult to obtain.... No supply data are available for the Department of Rehabilitation....There is general confusion over what COIS should be, how it should operate, what the system should be producing, and what it could produce.[26]

Briefly, that is a description of the state of the art of manpower planning in vocational education.

2. Distribution of Program Resources Toward Disadvantaged Students

There are two strings to this policy bow: the requirement to distribute federal money to places where there are concentrations of low-income families and the requirement to spend 20 percent of the basic federal grant on excess costs of vocational programs for disadvantaged students, matched dollar-for-dollar by state or local funds.

The first aspect is found in the fact that the U.S. Department of Education insists that states use a precise formula to distribute federal vocational money to their LEAs. There are a number of problems with the use of these formulas and virtually all of them stem from the fact that the federal legislation was very poorly drawn. The criteria for distribution are excessive in number, vague in character, and in some cases self-contradictory.

No sense of relative priority among the criteria listed as high priority is given. The law allows states to add an endless list of additional variables to their formulas, thus cancelling easily the placement of funds in places where there is a concentration of low-income families. The law allows states to give federal money to each LEA rather than concentrating the funds on the most needy places. Set-aside aside, there is no requirement to spend the basic federal grant on the disadvantaged or unemployed, so even if the money gets to the right place it need not necessarily be put to helpful use. Most distressing of all, there is no linking of the distribution of state vocational money to federal, except for the largely ineffective requirement for matching.

The second aspect, set-aside to meet excess costs, is subject to the perverse incentive we mentioned above, the incentive to segregate the disadvantaged in special vocational classes. The other problem is that schools are not equipped to estimate excess costs when students are unsegregated by classes. The procedure is basically unmonitored anyway. Some of the more honest districts--or possibly some of the more hard-hearted--simply return the federal set-aside money to the state government.

B. Civil Rights Enforcement

Before we take up the question of civil rights enforcement in vocational education, we should consider the political setting of the federal educational establishment. It has always been marginal, especially with regard to K-12 programs. Over ninety percent of public school funding is non-federal. The function of the Education Secretary is two-fold: (a) to get authorizations/appropriations for education from Congress and (b) to spend the money as quickly as possible. To get the votes in Congress for authorizations and

appropriations it is absolutely essential for the Education Secretary to have the warm support of a body called the Council of Chief State School Officers. The "Chiefs" have political power both at home and in Washington that far exceed that of the Education Secretary. In thanks for their help in building up the budget of the Education Department, the Education Secretary seeks to pass the federal money along to the "Chiefs" while giving them as little trouble as possible. There is an enormous distrust of central control of education in this country, and the federal establishment can survive only by proclaiming its role to be that of "junior partner." Given all this, it is hardly a matter of wonder that the Education Secretary is reluctant to cut off vocational funds to the states for alleged violations of the law with regard to manpower planning or even funds distribution formulas.[27] The federal act is too poorly constructed a vessel to take such rough seas.

Civil rights enforcement, especially with regards to access, is an entirely different matter. The laws forbidding discrimination on account of race, sex, and handicap could hardly be clearer, and this clarity of purpose extends to the requirement on the Education Secretary to cut off funds for proven violations. No informed party can deny the existence of violations in vocational education but no funds have been cut off. The only sanction so far employed is to burden the offending authority with a little extra paperwork.[28]

The reluctance of the Education Secretary to take strong measures is revealed in plaintiffs' brief in Adams v. Califano, 1977. Making reference to the earlier case, Adams v. Richardson, 1973, the brief stated the following:

> This Court's 1973 Order...directed HEW to commence a Title VI enforcement program with respect to vocational schools administered

> or operated by state departments of education....Although HEW began a partial enforcement effort after the Order was issued, it dissipated in 1974 and 1975 and in recent months has totally ceased. In 1973 and 1974, Office for Civil Rights conducted pilot reviews of vocational schools in five states, including three in the South, Arkansas, Georgia, and North Carolina....In the two schools investigated in Arkansas, OCR found a 'serious disproportion of minority faculty and administration in the area of vocational schools...and requested a corrective plan including objectives and a timetable....In the two-and-a-half years since Arkansas failed to submit an adequate compliance plan in 1974, HEW has ignored the State's defiance of Title VI. In two Richmond County, Georgia schools, OCR's Pilot Review found racially identifiable schools, course offerings, and discriminatory assignment of faculty and administrators. As with Arkansas' non-compliance, HEW has disregarded for three years Georgia's failure to remedy these statutory violations....In the spring of 1977, HEW's new General Counsel...directed that OCR staff cease developing policy on vocational school enforcement....the final Annual Operating Plan for fiscal 1977...deleted almost all staff hours for state vocational school reviews. The plan calls for only three tenths of one person year for such reviews in all ten HEW regions.[29]

The Adams v. Califano order of December 29, 1977, directed the Office for Civil Rights (with regard to vocational education) (a) to issue civil rights guidelines, (b) to conduct a survey of enrollments in vocational programs by six-digit occupational code, by race, sex, and handicapping condition, and (c) to conduct a series of agency-initiated compliance reviews. The Guidelines, as noted above, have been issued. The survey has been conducted and one assumes results of the analysis will be forthcoming in 1981.

Also, a number of the compliance reviews have been completed. In Augusta, Georgia, on November 1979, the Area Technical School was found in violation of Title VI of the Civil Rights Act of 1964 on grounds of racially identifiable campuses, assignments of faculty and staff, procedures to admit students to programs, and off-campus housing. The school was declared in violation of Title IX of the Education Amendments of 1972 with respect to admissions procedures, treatment of students and staff, apprentice-training, and administrative and procedural requirements. It was found to be in

violation of Section 504 and the Rehabilitation Act of 1973 in terms of access to school and programs, treatment of students and staff, off-campus housing, and administrative and procedural requirements. The Atlanta office of OCR brought a similar bill of particulars in late 1979 against the South Georgia Technical and Vocational School.[30]

These kinds of complaints seek voluntary compliance. If voluntary compliance is not forthcoming, the case is heard in a quasi-judicial setting by Administrative Law Judges. The findings of the ALJ can be appealed to a "reviewing authority" and from there to the Secretary of Education. Should the Secretary decide to cut off federal funds, the order to do so must rest in Congress for 30 days, but no case in vocational education has reached that point. The cases appear to reach a final resting place on the Secretary's desk, and there is no legal power in the hands of the civil rights community to force the Secretary to act.

Unfortunately, it is not clear what effect cutting off federal funds would have. On the average, they represent 10¢ on the dollar of vocational expenditures. In California, a number of districts jumped the gun on the process. One-hundred-seventy districts with secondary students received no federal vocational money at all, an additional 33 received federal funds and returned that part which was to support vocational education of the handicapped. The number of handicapped students so affected is approximately 5,000 (as of 1980), representing about ten percent of handicapped students in California.[31]

In any case, evidence, fragmentary as it is, does not give confidence that vocational education is serving well the protected groups. In late 1974, the U.S. Comptroller General's office reported the following:

> Office of Education statistics show that the proportion of disadvantaged and handicapped enrollment declined relative to total enrollments from fiscal year 1971 to fiscal year 1973. During the same period the federal portion of expenditures for disadvantaged and handicapped increased relative to total expenditure growth. From fiscal year 1972 to fiscal year 1973 enrollment of the disadvantaged declined in 13 states and of the handicapped in 15 states, despite increased expenditure.[32]

The same general picture was painted by National Center for Educational Statistics in its testimony before the House Subcommittee in Elementary, Secondary, and Vocational Education in September 1980.[33]

III. Judicial Enforcement: Reform of Vocational Education through Court-Ordered Desegregation

In certain major cities, the strongest effects on the distribution of vocational education arise from desegregation orders, not from federal vocational education legislation itself. Admittedly, these are in the nature of side effects, because the main concern of federal and state courts regarding racial isolation is directed toward enrollments in the regular academic programs of public elementary and secondary schools.

Let us consider the case of Boston. Judge W. Arthur Garrity, Jr. has maintained control of the racial character of enrollments in Boston from June 1974, when Morgan v. Hennigan was decided.[34] Judge Garrity issued an order in 1977 that each separate vocational program--auto mechanics, welding, upholstery, computer programming, etc.--had to have an enrollment conforming to city-wide racial balance. As a rule of thumb, we may say that in order for an additional white student to be enrolled in a given vocational program, an additional black student must be enrolled. Historically, with the exception of one or two programs, blacks have been poorly represented in vocational education in Boston. Hence, at the present time, vocational

programs are under enrolled and whites are being denied places because not enough blacks are available to sign up. Partly this fact reflects a distribution of vocational programs to high schools such that blacks in order to enroll in a program of their possible choice would have to enter areas of the city where they feel threatened.

The response of Boston has been to construct an impressive new vocational facility costing $40 million, located next to a large new high school in Roxbury (a large minority district), with both facilities being adjacent to a set of new electronic firms. Instruction in the new complex will emphasize high technology, but at the same time there will be no enrollment barriers to students in the form of qualifications tests. This is a bold experiment, and it represents an attempt by a sorely troubled central city district to lift itself up toward its former glory by means of a major investment in new types of occupational training. I think it fair to say that not so much would have happened so fast if the Judge had not issued his desegregation order nor held the Boston School Committee to such a strict pattern of enforcement.

Just as there are limits to administrative powers of centralization so it seems to me there are limits to judicial powers. (In passing, I note that Judge Garrity's order can be seen as an act of centralization within the Boston school district, because now for the first time, in actuality, the distribution of vocational services is city-wide, not determined by the boundaries of high school attendance zones.) One common limit to judicial power, just as in the case of administrative power, is district structure. The Judge can affect distribution of training places in Boston, but he can do little to protect Boston students from the

competition of the suburbs. Suburban school districts ordinarily do not share in the extreme financial plight of central cities. If blacks in Boston start to pick off the good entry jobs along Route 128, one can expect the suburbs to respond by intensifying their own training efforts. Secondly, legal action may be bent by the power of organized teachers. The intent of desegregation orders as affecting vocational education is to raise the quality of programs available to minority groups. But quality is hard to measure and the attainment of quality may require confrontation with teachers' unions. In Boston the central administration sees it as urgently necessary to fill the new Hubert Humphrey training center with new kinds of teachers, teachers skilled in technical knowledge and having at the same time the ability to work with students from widely varying academic backgrounds. The union, faced with layoffs of regular teachers, is demanding reassignments of teachers already employed in Boston. If the superintendent loses on this one, he may have lost his big gamble altogether. There is not much that the Judge can do to help him.

Thirdly, the strength of court action is blunted by the fact that most occupational training occurs in the work place, not in the school or college. Even if previously excluded groups succeed in getting good entry jobs—the definition of training requirements for entry jobs is made almost whimsical by the existence of internal labor markets—it is a tough monitoring process to see to it that they rise up the occupational ladder within the firm at a proper rate of speed.

In Wilmington, Delaware, the approach of the Court in Evans v. Buchanan is distribution of students to schools in a racially-balanced manner on a metropolitan basis, and this objective is directed specifically,

though not exclusively, at vocational education.[35] There are three vocational schools involved in the problem. The first is Howard, located in downtown Wilmington and formerly operated by the city's school board. The second is Delcastle, located in suburban Wilmington and formerly operated by the New Castle County Vocational Technical District. Both of the county schools are predominantly white in student body, and Howard, the central city school, was predominantly black until 1978-79 and is still majority black.

In effect, the court order required the integration of eleven school districts in New Castle County and established one county-wide school district, including the central city and the suburban places in one whole.

To reduce racial segregation in vocational education, the county-wide Vo-Tech board took three main kinds of actions: changing staffing patterns through transfers of teachers, counselors, and administrators; relocating programs; and changing admissions procedures. By the latter, we mean that students were allowed to choose programs, not schools, and having chosen a program, were then assigned to schools to promote racial balance.

The table below indicates that some progress is being made.[36] Actually, the ninth grade enrollments show even stronger results, as for ninth-graders, the percent black is as follows: Delcastle, 18; Howard, 34; and Hodgson, 19. As the Wilmington area moves toward less racial segregation in vocational education, at the same time it moves also toward less socioeconomic stratification.

Comparative Racial Data for Total Student Body
by School for the 1978-79 and 1979-80 School Years

	1978-79 School Year		1978-79 School Year	
	Black	White	Black	White
Delcastle				
Number of Students	129	1605	268	1597
Percentage	7	93	14	86
Howard				
Number of Students	735	138	567	298
Percentage	84	16	66	34
Hodgson				
Number of Students	108	1402	151	1240
Percentage	7	93	11	89

A third interesting case is St. Louis. Judge James H. Meredith, in Liddell v. Board of Education of the City of St. Louis, has ordered the state and other defendants

> To develop and submit to the Court by November 1, 1980, a plan for the consolidation or merger and full desegregation of the separate vocational education programs operated by the Special District of St. Louis County and the school district of the City of St. Louis, for implementation in the 1981-82 school year.[37]

It is a matter of general agreement that students in the City and in the County both have been deprived of necessary specialization in programs and of desirable quality. Even before the Liddell case, the Missouri Commissioner of Education had refused to approve new programs until the City and County boards began to engage in cooperative planning. Reportedly

it was the County board that was the recalcitrant one. Thus, metropolitan integration should help to achieve racial balance and a generous upgrading of program offerings as well.

The attempt to achieve a fairer distribution of occupational training of jobs through court-ordered desegregation of schools is, so far, incomplete. Not all school districts are under court order. No case has reached a successful conclusion in New York City, for example. Further, white males who lack basic skills in reading, writing, etc., and who are thus "academically disadvantaged," have no special standing in civil rights legislation, unless they are foreign-speaking or handicapped. The 1976 Vocational Education Act seeks to have impact on all school districts and it cites disadvantaged persons, along with women, handicapped, and bilingual persons, as a category of the population to receive special treatment. Even accepting these limitations, there is an incompleteness in approach of the courts. In Wilmington and St. Louis, the relief specified is social balance in vocational schools in the metropolitan area. In Boston, it is social balance by program in the central city alone. The order in Boston goes further to see to it that minorities have equal access to high quality vocational education as quality is defined within the city of Boston. The Wilmington and St. Louis plans extend opportunities for central city minority people toward attendance in suburban training programs, but they ignore the possiblity that minorities will be tracked into low quality vocational programs within schools. None of the court orders require schools to see to it that minorities are placed in jobs appropriate to their training. Yet, bias in placement is a common charge levied against training institutions by the Office for Civil Rights.

V. The Future of Federal Vocational Education Legislation

This section is in two parts. The first considers whether, in view of the difficulties of implementation, the existing federal vocational education legislation offers any net advantages: Are there contributions to the society or to the economy that outweigh the cost of the burden of extra paperwork? The second section addresses the question of whether the federal government can make the legislation effective, i.e., what are the appropriate implementation strategies?

A. Significance of the Present Form of Federal Involvement

One of the main objectives of the 1976 vocational education legislation--and related civil rights acts--is to reduce discrimination, whether related to sex, race, handicap, foreign language, or disadvantage in training or jobs. One may reject this as a valid policy objective, in total or in part; I believe it is a right objective, and I write this concluding section from that point of view.

The 1976 vocational education legislation is the act in question in any case, not the civil rights laws. It is an act of great complexity that sets requirements in the states that they are ill-prepared to meet, especially with regard to manpower planning and accounting for excess costs. Enforcement of the act has been fumbling and half-hearted, but enforcement has been made difficult by ambiguities and inconsistencies in the act itself. From the mass of centralizing directives, do we surmise that we get sufficient yield to keep them in place? The act works some, but does it work enough to justify even the burden of paperwork?

Given that we live in a racist, sexist, capitalistic society, no one should expect a piece of training legislation to work miracles in

ending discrimination in work, especially since the power to run educational institutions rests constitutionally with the state governments. I then suggest that federal involvement in vocational education has been of marginally more help than hindrance in ending that discrimination. To rely on court-ordered desegregation to end discrimination in training and placement is an incomplete approach, as noted above. The vocational education legislation brings disadvantaged persons into the circle of those needing special help, and it allows civil rights groups to fight discrimination in placement more effectively than they otherwise could. To leave the problem entirely to the courts in the desegregation context places a disproportionate burden of compliance on central cities unless, as sometimes now happens, the courts are willing to include the suburbs as parties to the desegregation effort.

More specifically, the act allows the Office for Civil Rights to issue complaints against single-purpose area vocational institutions. Regionalization of training is growing, and it makes sense to many educators. Because federal vocational money is likely to be the only federal money those institutions receive, they would escape civil rights enforcement (except under desegregation orders) in the absence of federal grants for vocational education.

The existence of the federal act, furthermore, and the expression of intent embodied in it to reduce discrimination, allows room for good-hearted people to do the right thing. They have a justification in law to support their efforts to achieve a greater degree of balance in programs by sex, race, etc. Along a similar line, the act demands a degree of public participation in program design, viz., the requirements to establish national,

state, and local advisory councils.

The 1976 vocational education legislation, finally, is one piece of education law that calls upon the states to evaluate programs by output criteria: how many students of given charactersitics completed the various training programs; how many got jobs or continued their education; how effective is a given program in imparting entry level skills, as seen by the employer, etc. It is hard to think of any other act that demands so much of education, and I believe this is good that we have such a model of accountability in legislation.

B. Implementation Strategies for the Future

The list of reasons cited above to have a federal act on vocational education is not overwhelmingly impressive, but the act can be built upon and improved.

If federal intent in vocational education is to improve the job prospects of target populations, then we assert the following: federal policy must be made more effective in overcoming the "two sets of risks" that have deleterious effects on those populations. The first risk is laid on the prospective trainee. If vocational education is to prepare people for good jobs in today's labor market, the content of courses will be sufficiently demanding to require that applicants for programs demonstrate certain kinds of academic proficiency. Oftentimes, members of target populations lack these academic qualifications. It is thus required that they invest time in acquiring prerequisites and then invest time in the vocational program, if admitted. The candidate does not know if he/she can meet the prerequisites but, more important, he/she does not know if he/she, having satisfied prerequisites, will be admitted to the programs. There is an

additional risk in whether the person, having been admitted to the vocational program, will complete it successfully. There is the "final" risk of getting a job in a field related to the training. This set of risks, in total, is proportionately higher for members of target populations than for middle class white males.

The other set of risks impinges on the employer. The employers see members of target populations as relatively expensive to train, disruptive of the workplace, and, once trained, prone to quit. These attitudes may be groundless and represent nothing more than statistical discrimination, but I believe they are distressingly common. Growth in employment is now occuring in small business, not in large corporations. Owners of small businesses believe they are especially vulnerable to these sorts of risks.[38]

Federal policy in vocational education can reduce both sets of risks. The federal government could require that vocational funds be used, part of them to support special courses for members of target populations, in order that these persons acquire prerequisites to enter higher quality vocational programs. Secondly, the federal government could require that vocational directors reserve places in high quality vocational programs for any member of a target population who satisfies the prerequisites.

To improve the chances of employment for members of target populations and simultaneously to reduce the employer's perceived risks in hiring such persons, the federal government could demand greater use of cooperative or "sandwich" forms of training, so that employers and trainees get to know each other when the period of publicly-subsidized training is still underway. It is interesting that 90 percent of courses offered in regional

occupational programs for secondary students in Los Angeles are conducted in the workplace. This is a good sign.

To improve access of target populations to good jobs, i.e., to attack successfully the problem of the two sets of risks, requires centralized direction of vocational education. Plainly, up to now, states and localities have not met their obligations toward training and placement of members of target populations. There is a strain in the vocational education community between the old traditional, populist-fundamentalist wing, seeking to preserve a place for practical training in our high schools, and the civil rights groups, and the strain is likely to become greater as the Congressionally-mandated and court-ordered data systems begin to spew out their numbers about enrollment and placement of minorities, etc. To ease the strain and help vocational educators "do the right thing" calls for different federal arrangements.

It is now generally agreed that implementation strategy can be (mainly) "programmed" or "adaptive," following the terminology of Paul Berman.[39] The economic context, I would judge, establishes a logical case for choice of one strategy over another. Let us recognize first of all that vocational education is a weak instrument to affect rates of unemployment. On the other hand, it potentially may be effective in improving the distribution of good jobs for young people--by "improving" I mean favoring target populations. The federal government by means separate from vocational education <u>can</u> affect rates of unemployment. Even if one says that reduction of the average rate to four percent or less has become an unrealistic goal, by selective wage subsidies and otherwise, the government could drive down the rate of <u>youth unemployment</u>.

1. Scenario 1

Suppose the federal government began seriously to pursue the following policies: (a) protects in general the job market for young people; (b) encourages the location and relocation of high technology and high wage firms into central city areas; (c) subsidizes private on-the-job training generally and gives extra tax credits to firms that meet high standards of training and are willing to overtrain beyond their own immediate needs for skills; and (d) subsidizes small business for hiring youth who are members of target populations.

In the economic context, I suggest that the "two sets of risks" I mentioned above, the risks that hinder redistribution of jobs, would be strongly reduced. Moreover, vocational educators would not see enrollment of target populations as a threat to the quality of their programs, as they define quality (completion rates, placement rates, employer's opinions on adequacy of training). I would favor an adaptive strategy in this context, because (a) an adaptive strategy is consistent with development of cooperative attitudes on the part of deliverers of services; (b) attitudes of principals, teachers, etc., are important to encourage members of target groups to acquire basic skills and to complete training programs; and (c) attitudes and interpersonal relations are impossible for the federal government to monitor.

Accordingly, under the adaptive strategy, the federal government might pay over certain sums for vocational training while stating a general objective of reducing the number of members of target groups who lack good jobs. It would be up to the states and localities to figure out how to meet the objective and a national learning curve might even appear. In the

meantime, states would be relieved of stricture about distributing funds, about excess costs, etc., and reporting requirements could be considerably relaxed.

2. Scenario 2

The federal government does nothing to reduce youth unemployment in general nor to improve training and work opportunities for target populations in the private sector. Rates of youth unemployment remain high and rates of unemployment for minority youth remain inordinately high. The improvement in distribution of jobs can only be obtained by wresting good jobs away from white males.

It is not an easy game and the most one can hope for is modest progress. In this context I would opt for programmed implementation, making both the stick and the carrot somewhat stronger than they are today. Vocational educators do know how to impart work skills to youth who have basic skills. Completion of high grade vocational courses does improve employability of minorities and other target populations. In the adverse economic context, the objective of policy is to force vocational programs of high quality. Force is necessary because at first the teachers will doubt that such students can complete the programs and get jobs. Their presence, in other words, means a drop in quality.

Force means a bigger carrot and stick. The carrot is an increase in federal contribution. The stick is the requirement to count bodies in programs (this they do now, pretty well) and to see to it that high quality programs are balanced by race, sex, etc., or to lose both federal and state funds. Here are my suggestions toward the necessary changes in federal financing. First, the federal contribution should be approximately

doubled. Second, the criteria to be used by the states to distribute funds should be simplified. Just using the one criteria of concentration of low income families should be enough. Third, the federal government should require the states to match federal grants dollar for dollar (presently the match is laid on state or local authorities) and, further, that the state money flow to eligible recipients exactly under the distribution formula for federal funds. The formulas to distribute federal vocational funds, most of them anyway, are better designed to meet local educational need than are state equalization formulas that are used to pay out general-purpose educational money, so an improvement in state educational financing should be achieved by tying part of the state distribution formula to federal vocational funds. Fourth, the eligible recipients should be required to maintain their local contribution for vocational education, adjusted for changes in the price level.

The upshot of these changes in financial arrangement would mean that a typical local vocational education authority would stand to lose about 40 percent (20 percent federal, 20 percent state) of occupational training revenues if it refused to cooperate with federal intent; in districts with high concentrations of poor people, the share of outside support would be even greater.

The simple threat of losing this much money outright for failure to comply with federal intent should reduce pressure on federal and state authorities to monitor local programs and to enforce compliance. The threat in terms of size of dollar loss would be especially great in central cities. But the threat would have to be believed, and this suggests there is no substitute for a stronger backbone in the Department of Education.[40]

In any case, suppose that half of the state-federal contribution was reserved for target populations. This would leave approximately 80 percent of the local vocational budget available to serve the traditional middle class constituency. With these kinds of changes in the federal legislation, the vocational education system could well offer a greater-than-marginal contribution to the economic well-being of target populations.

3. A Final Note

Both scenarios exist, in effect, at the same time in our country. Houston is in Scenario 1 and Newark is in Scenario 2. What might be best for Houston is not necessarily best for Newark, and vice versa. The Congress, in response to the geographic unevenness of our economic context, seems to have sought an average of adaptive and programmed implementation policies in vocational education. It looks plain that the average doesn't work well, and it also looks plain that we should either be more adaptive or more programmed.

Footnotes

1. I refer to the Vocational Education Act (Smith-Hughes), 20 U.S.C. 11-28, enacted February 23, 1917, C. 114, P.L. 347, 64th Congress, 39 Stat. 929-936.

2. The present Assistant Secretary for Vocational and Adult Education (1980) was formerly state director of vocational education in West Virginia. His immediate predecessor was formerly state director in Maryland and now works in vocational education research at Ohio State University. The present Assistant Secretary's chief deputy was formerly in charge of vocational education programs in New York City. Amongst the fifty state directors of vocational education, one is a minority person and two are women.

3. In vocational education circles, quality is measured mainly in these ways: (a) ratio of completion to initial enrollment; (b) ratio of job placements to completers (excluding the number of persons continuing in education); (c) employers' opinions of adequacy of training imparted in public institutions; and (d) technological content of programs. Vocational educators are aware that discrimination by race and sex exists in the job market. They are also aware that drop-out and failure rates for students identified as academically disadvantaged are higher than average. Both of these problems are compounded when youth unemployment rates are high and rising. Hence, they could reasonably be concerned that serving the new clientele pressed on them by Congress would damage the quality of their programs as they define quality. They were possibly concerned to an especial degree by the fact that in the late fifties and early sixties vocational education programs, many of them, were being upgraded in content, and this progress toward academic respectability seemed very fragile.

4. Paul Berman, "Thinking About Programmed and Adaptive Implementation: Matching Strategies to Situations," in Helen Ingram and Dean Mason, eds., Why Policies Succeed and Fail, Beverly Hills, Ca., Sage Publications, 1980, pp. 205-227. See also Paul Berman and Milbrey W. McLaughlin, Federal Programs Supporting Educational Change, Vol. IV: The Findings in Review, Santa Monica, CA, The Rand Coporation, R-1589/4-HEW, 1975.

5. Smith-Hughes Act, as cited in footnote 1, Sections 2-4.

6. John F. Thompson, Foundations of Vocational Education: Social and Philosophical Concepts, Englewood Cliffs, N.J., Prentice-Hall, Inc., 1973, p. 69.

7. Roy W. Roberts, Vocational and Practical Arts Education: History, Development and Principles, New York, Harper & Brothers, 1957, pp. 125-127.

8. Ibid, pp. 127-130.

9. Thompson, op. cit., pp. 70-75.

10. Charles S. Benson, The Economics of Education, 1st ed., Boston, Houghton Mifflin Company, 1961, p. 265.

11. Ibid., p. 263.

12. Hollis P. Allen, The Federal Government and Education, New York, McGraw-Hill Book Company, 1950, p. 73.

13. National Manpower Council, Improving the Work Skills of the Nation, New York, Columbia University Press, 1955, p. 7.

14. U.S. Commission on Intergovernmental Relations, Federal Responsibility in the Field of Education, Washington, Government Printing Office, 1955, pp. 31-32.

15. Franklin J. Keller, Principles of Vocational Education, Boston, D. C. Heath and Company, 1948, pp. 264-65.

16. The Vocational Education Act of 1963, P.L. 88-210, 20 U.S.C. 1241 et seq., Section 104(a)(2).

17. Vocational Education Amendments of 1968, P.L. 90-576, 20 U.S.C. 1241 et seq., Section 123 (a)(6)(E).

18. The designated programs or activities and authorizations were the following: research and training, $56.5 million; exemplary programs, $75.0 million; residential schools, $35.0 million; consumer and homemaking, $50.0 million; cooperative programs, $45.0 million; curriculum development, $10.0 million; and bilingual vocational education, $17.5 million. When divided among the fifty states and then allocated to the eligible student population, these authorizations represent rather small amounts of money.

19. Vocational Education Amendments of 1976, P.L. 94-482, 20 U.S.C. 2301 et seq.

20. Office of Education, U.S. Department of Health, Education and Welfare, "Rules and Regulations for Vocational Education, State Programs and Commissioner's Discretionary Programs," Federal Register, Vol. 42, No. 191, October 3, 1977, pp. 53822-53891.

21. Office for Civil Rights, U.S. Department of Health, Education and Welfare, "Vocational Education Programs: Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap," Federal Register, Vol. 44, No. 56, March 21, 1979, pp. 17162-17175.

22. Ibid., Section III.B.

23. Ibid., Section IV.B.

24. In his testimony to Congress in September 1980, Dr. Henry David of the National Institute of Education commented on the general lack of compliance of vocational educators with the planning requirements of the 1976 Act, especially with regard to use of manpower data. See Education USA, October 20, 1980, p. 62.

25. R. Loveridge and A. L. Mok, Theories of Labour Market Segmentation: A Critique, The Hague, Martinus Nijhoff, 1979.

26. Calvin E. Wright and Yungho Kim, An Assessment of the Development and Maintenance of the California Occupational Information System, Menlo Park, Ca., Educational Evaluation and Research, Inc., 1980, pp. 3-6.

27. Thomas J. Anton, "On Implementing the Vocational Education Act of 1976," in National Institute of Education, The Planning Papers for the Vocational Education Study, Washington, D.C., Government Printing Office, 1979, pp. 3-21.

28. The decline in proclivity toward taking action in civil rights cases is thoroughly discussed in Gary Orfield, The Reconstruction of Southern Education: The Schools and the 1964 Civil Rights Act, New York,

29. Kenneth Adams, et al., v. Joseph A. Califano, Motion for Further Relief Concerning Special Purpose and Vocational Schools, filed in U.S. District Court for the District of Columbia, Civil Action No. 3095-70, on May 11, 1977, pp. 6-7.

30. Memoranda dated November 16, 1979, from William H. Thomas, Director, Office for Civil Rights, Region IV, to Willis C. Oellerich, Superintendent, Richmond County Schools, Augusta, Georgia, and to Dea Pounders, Director, South Georgia Technical and Vocational School, Americus, Georgia.

31. Private communication, September 1980, with Gerald O'Brien, former member of the Project on National Vocational Education Resources, University of California, Berkeley.

32. Comptroller General of the United States, What is the Role of Federal Assistance for Vocational Education?, Washington, D.C., Government Printing Office, 1974, p. 18.

33. In the statistical supplement to testimony by Mary Galladay and Rolf Wulfsberg of National Center for Educational Statistics, Department of Education, to the House Subcommittee on Elementary, Secondary, and Vocational Education, September 17, 1980, the following statements appear: "Twenty percent of (federal) allocations are to be used for the disadvantaged and for those of limited English proficiency. Following the pattern for the handicapped, the federal expenditure for the disadvantaged increased 27.6 percent from $78.8 million in fiscal year 1978 to $100 million in fiscal year 1979, but non-federal expenditures decreased 21.9 percent from $393.3 million to $307.3 million. Total expenditures for this program decreased 13.6 percent." "The Condition of Vocational Education," Washington D.C., the Department of Education, 1980, mimeo, p. 190.

34. Morgan v. Hennigan, 379 Supp. 410, 417 (D. Mass. 1974).

35. Evans v. Buchanan, Report of the New Castle County Vocational-Technical Board of Education, October 1979, Civil Action No. 1816-1822 in U.S. District Court for District of Delaware, slip.

36. Ibid., p. 3.

37. Liddell v. Board of Education, City of St. Louis, Missouri, Order, Cause No. 72-100-C(C), filed May 21, 1980 in U.S. District Court, Eastern District of Missouri, Eastern Division, p. 4.

38. I am indebted to David Stern, Department of Education, University of California, Berkeley, for discussion of these points.

39. Berman, 1980, op. cit.

40. One such requirement is to establish categories of quality of program in vocational educationand then to examine and publish enrollments in programs of different quality level by race, sex, disadvantage, handicap, etc. Work underway for the last year in the Project on National Vocational Education Resources, University of California, Berkeley, convinces me that these tasks are technically feasible.